

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HENRY THORNS, )  
Plaintiff, )  
vs. )  
TERRITORY INCORPORATED, a )  
NEVADA corporation; SAM'S WEST, )  
INC., an Arkansas corporation dba )  
SAM'S CLUB #4974; ESI )  
CONSTRUCTION MANAGEMENT, )  
LLC, an Idaho limited liability )  
company. )  
Defendants. )

2:11-CV-01204-PMP-VCF  
**ORDER**

On January 10, 2012, the Court received from counsel for Plaintiff, a letter of inquiry pursuant to Local Rule 7-6(b) regarding Plaintiff's Emergency Motion to Remand (Doc. #7) filed August 18, 2011. On January 11, 2012, the Court received from counsel for Defendant Sam's West, Inc., a letter in response to Plaintiff's Inquiry.

A review of the Court's docket shows that on September 6, 2011, this Court entered and Order (Doc. #10) granting Plaintiff's Emergency Motion to Remand to State Court. However, the same day the Court entered a second Order (Doc. #11) vacating the Order (Doc. #10) granting Plaintiff's Emergency Motion to Remand. The original Order granting Plaintiff's Emergency Motion to Remand was

1 vacated because the Court had acted prior to the expiration of the deadline for  
2 Defendants' Response.

3 Also, on September 6, 2011, Defendant Sam's West filed its Opposition to  
4 Plaintiff's Emergency Motion to Remand (Doc. #12) Plaintiff filed a Reply (Doc.  
5 #17) on September 16, 2011, at which point Plaintiff's Emergency Motion to  
6 Remand (Doc. #7) was ripe for consideration by this Court. Apparently, however, as  
7 a result of an error in the Court's (ECF), Plaintiff's Emergency Motion to Remand  
8 (Doc. #7) was dropped from the Court's Case Management System as a active  
9 motion.

10 The Court has now had the opportunity to read and consider Plaintiff's  
11 Emergency Motion to Remand (Doc. #7), Defendant's Response in Opposition  
thereto (Doc.'s #12, #13) and Plaintiff's Reply (Doc. #17), as well as the letters of  
13 counsel for Plaintiff and Defendant Sam's West set forth in their letters of January  
14 10, 2012, and January 11, 2012. Having done so, the Court finds that for the reasons  
15 set forth in Sam's West opposition to Plaintiff's motion to remand, Plaintiff's motion  
16 should be denied.

17 **IT IS THEREFORE ORDERED** that Plaintiff's Emergency Motion to  
18 Remand (Doc. #7) is **DENIED**.

19  
20 DATED: January 18, 2012.

21  
22 

23 PHILIP M. PRO  
United States District Judge